



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,606	11/24/1999	JEAN-PIERRE BONICEL	Q56881	5230

7590 12/28/2001

SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE N W
SUITE 800
WASHINGTON, DC 200373213

EXAMINER

NGUYEN, CHAU N

ART UNIT	PAPER NUMBER
----------	--------------

2831

DATE MAILED: 12/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/448,606

Applicant
Jean-Pierre Bonicel

Examiner
Chau N. Nguyen

Art Unit
2831



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 15, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, and 10-12 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8, and 9 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 2831

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roe et al. (4,006,289) in view of Kazuya (JP 1-276507).

Roe et al. discloses a telecommunications or power cable that is structurally reinforced by incorporating armoring having one layer of wires (15) wherein the layer of wires includes steel wires (claims 1&6) and does not carry electricity.

Roe et al. does not disclose each of the steel wires being covered in a layer of stainless steel (claims 1,2,6&10). Kazuya discloses a composite steel wire in which a steel core is covered by a layer of stainless steel (4). It would have been obvious to one skilled in the art to modify the steel wires of Roe et al. by covering each steel wire with a stainless steel layer as taught by Kazuya to further protect the wires since stainless steel is a known highly corrosion-resistant material.

Art Unit: 2831

3. Claims 3, 7, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roe et al. in view of Kazuya as applied to claims 1 and 6 above, and further in view of Applicant's own disclosure (page 4, lines 7-16).

Re claims 3 and 7, it would have been obvious to one skilled in the art to use the composite steel material sold under the registered trademark NUOVINOX for the armoring wires of Roe et al. since this material is commercially available and can be drawn into a wire or a tube. In the case of a wire form, the wire can be used as reinforcing wires or armoring wires as disclosed by the applicant (page 4, lines 7-16).

Re claims 11 and 12, the NUOVINOX composite steel wire comprises the steel core directly contacting the layer of stainless steel to form a two layered structure.

Allowable Subject Matter

4. Claims 4, 5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a power or telecommunications cable comprising features as recited in claims 1 and 6 and in combination with a tube that forms a concentric layer of the cable being provided, wherein the tube is obtained from a sheet made of composite steel having a steel core of a standard type covered in a layer of stainless steel (re claims 4 and 8).

Art Unit: 2831

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is (703) 308-0693.

A handwritten signature in black ink, appearing to read "Chau Nguyen", with a stylized, cursive script.

Chau N. Nguyen

Primary Examiner

CN

December 3, 2001